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U.S. Department
of Transportation
**Federal Highway
Administration**

DEPARTMENT OF TRANSPORTATION

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DOCKET SECTION

400 Seventh St., S.W.
Washington, D.C. 20590

November 13, 1997

FHWA-97-2759-51

Refer to: HPS-10/HCS-1

Kurt and Winona Murray
2404 Dakota Lakes Drive
Oak Hill, Virginia 20171

Dear Mr. and Mrs. Murray:

Thank you for your October 15 letter to the Federal Highway Administration (FHWA) advocating that 49 CFR 391.11(b) (2) be revised to reflect stricter English-language proficiency requirements. I understand your concern and appreciate the opportunity to respond.

In an effort to reconcile its obligation to improve highway safety with concerns that the present rule may conflict with Title VI of the Civil Rights Act of 1964, the FHWA published an Advance Notice of Proposed Rulemaking in the August 26, 1997, *Federal Register*. A copy of that notice is enclosed.

As the *Federal Register* notice explains, the FHWA seeks to modify the regulation by replacing the broadly worded English proficiency requirement with a set of performance-oriented standards. These standards would be based on tasks drivers are expected to perform that require knowledge of the English language.

The facts and opinions you communicated in your letter will be considered along with other comments received during the comment period. These comments will be summarized in the Notice of Proposed Rulemaking, to be published in a future edition of the *Federal Register*. Any signed, written comments you make on the proposed rulemaking notice will be considered in development of the Final Rule, which also will be published in the *Federal Register*.

Thank you for expressing your point of view about the proposed revision of this significant regulation.

Sincerely yours,

George L. Reagle
Associate Administrator
for Motor Carriers

Enclosure

3 pgs

FHW-7-1-2-1-3

**Kurt & Winona Murray
2404 Dakota Lakes Drive
Oak Hill VA 20171**

October 15, 1997

Federal Highway Administration
ATTN: English Proficiency Ruling Analysis
400 7th Street, SW
Washington DC 20590

Dear Sir or Madam,

A very serious matter has come to our attention that we must discuss with you.

Regulation 49 C.F.R. 391.11 (b)(2) requires that a truck driver have a sufficient command of the English language to converse with the general public, understand road signs and signals, respond to official inquiries and make entries on reports and records. We understand that this regulation is up for revision. As of yet, however, we have not been able to find out what direction the FHWA is trying to go with the revision. Since this decision effects our present and future economic future, we are most interested in obtaining all of the information we can and strongly desire being as much a part of the decision making process that we can be.

We own and operate a for hire dump truck in the Northern Virginia area. Quite frankly, we've seen a large number of people like us forced into selling their truck(s), changing careers, or filing for bankruptcy due to the problems brought about by the already too lax FHWA regulations. We are afraid we will be next.

The trucking industry is being flooded with persons not proficient in the English language; persons who are completely unable to read, write or comprehend English. Somehow, these people are operating these trucks without even a minimal knowledge of English. The huge influx of non-English proficient drivers has had a tremendously negative effect on the industry:

1. Work is performed incorrectly because instructions are not understood.
2. Work is late to complete because written roadway instructions cannot be read and oral directions cannot be understood.
3. English proficient drivers are penalized because they must spend so much time waiting on these immigrants to follow them around so they will not get lost between job sites and to show them what to do at all times. Most drivers are paid on a "per load" basis, so this is a personal loss and penalty to the English proficient drivers. Drivers who don't perform as expected are not asked to return to a job.
4. Lack of communication skills has resulted in injuries, wrecks and possibly lost lives. These inexperienced drivers cannot understand dangerous situations being pointed out to them by English proficient drivers and thus put all of the construction personnel, as well as the general public at great risk. Just one example: A construction foreman tried to explain to a driver that the hill was too steep to lift the dump truck body at an angle, as the truck might tip over, and tried to tell the driver where to back up. The driver did not understand English, backed up, lifted the dump body, tipped his truck over on its side, nearly landing on top of the front end loader operator.

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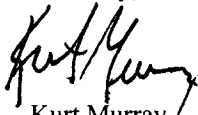
5. For hire rates are dropping sharply as a result of too many trucks available in the marketplace and the willingness of some to work for basically minimum wage.
6. Unsafe trucks are becoming an epidemic as persons working for minimal rates do not have enough profits to maintain their trucks. DOT inspections are ineffective in catching all the violators.
7. Special low interest loans made available only to immigrants are giving them the opportunity to purchase trucks and start their own trucking businesses with little or no experience requirements. Persons like ourselves, although experienced, are having difficulties obtaining loans because we are not immigrants, but mere average Americans. Once we obtain loans, our interest rates are at market rates, considerably higher than rates given to the immigrants; thus we must demand a higher rate of pay than the immigrants just to cover our expenses.

We could continue but will assume that we have pointed out enough concerns to at least stimulate the interest of someone of importance to the decision making process.

PLEASE. We cannot continue the way we are with the current interpretation of the FHWA regulations. These regulations must be made more strict on the command of the English language. To make these regulations less demanding would be absolutely devastating to those drivers who strive to make an honest living in the trucking industry and to innocent drivers subjected to the heavy equipment being operated by someone who can't understand highway signs. Please note that not all road signs are symbols.

Are our lives worth consideration by the FHWA?

Sincerely,


Kurt Murray


Winona Murray